

110TH CONGRESS
1ST SESSION

S. 439

To amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2007

Mr. REID (for himself, Mrs. LINCOLN, Mr. BIDEN, Ms. MIKULSKI, Mrs. BOXER, Mr. DURBIN, Mr. SALAZAR, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Retired Pay Restora-
3 tion Act of 2007”.

4 **SEC. 2. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY**
5 **AND VETERANS’ DISABILITY COMPENSATION**
6 **FOR CERTAIN MILITARY RETIREES WITH**
7 **COMPENSABLE SERVICE-CONNECTED DIS-**
8 **ABILITIES.**

9 (a) EXTENSION OF CONCURRENT RECEIPT AUTHOR-
10 ITY TO RETIREES WITH SERVICE-CONNECTED DISABIL-
11 ITIES RATED LESS THAN 50 PERCENT.—

12 (1) REPEAL OF 50 PERCENT REQUIREMENT.—

13 Section 1414 of title 10, United States Code, is
14 amended by striking paragraph (2) of subsection (a).

15 (2) COMPUTATION.—Paragraph (1) of sub-
16 section (c) of such section is amended by adding at
17 the end the following new subparagraph:

18 “(G) For a month for which the retiree re-
19 ceives veterans’ disability compensation for a
20 disability rated as 40 percent or less or has a
21 service-connected disability rated as zero per-
22 cent, \$0.”.

23 (b) REPEAL OF PHASE-IN OF CONCURRENT RECEIPT
24 FOR RETIREES WITH SERVICE-CONNECTED DISABILITIES
25 RATED AS TOTAL.—Subsection (a)(1) of such section is

1 amended by striking “except that” and all that follows and
2 inserting “except—

3 “(A) in the case of a qualified retiree re-
4 ceiving veterans’ disability compensation for a
5 disability rated as 100 percent, payment of re-
6 tired pay to such veteran is subject to sub-
7 section (c) only during the period beginning on
8 January 1, 2004, and ending on December 31,
9 2004; and

10 “(B) in the case of a qualified retiree re-
11 ceiving veterans’ disability compensation for a
12 disability rated as total by reason of
13 unemployability, payment of retired pay to such
14 veteran is subject to subsection (c) only during
15 the period beginning on January 1, 2004, and
16 ending on December 31, 2007.”.

17 (c) CLERICAL AMENDMENTS.—

18 (1) The heading for section 1414 of such title
19 is amended to read as follows:

1 **“§ 1414. Members eligible for retired pay who are also**
 2 **eligible for veterans’ disability compensa-**
 3 **tion: concurrent payment of retired pay**
 4 **and disability compensation”.**

5 (2) The item relating to such section in the
 6 table of sections at the beginning of chapter 71 of
 7 such title is amended to read as follows:

“1414. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent payment of retired pay and disability compensation.”.

8 (d) EFFECTIVE DATE.—The amendments made by
 9 this section shall take effect on January 1, 2008, and shall
 10 apply to payments for months beginning on or after that
 11 date.

12 **SEC. 3. COORDINATION OF SERVICE ELIGIBILITY FOR COM-**
 13 **BAT-RELATED SPECIAL COMPENSATION AND**
 14 **CONCURRENT RECEIPT.**

15 (a) ELIGIBILITY FOR TERA RETIREES.—Subsection
 16 (c) of section 1413a of title 10, United States Code, is
 17 amended by striking “entitled to retired pay who—” and
 18 inserting “who—

19 “(1) is entitled to retired pay, other than a
 20 member retired under chapter 61 of this title with
 21 less than 20 years of service creditable under section
 22 1405 of this title and less than 20 years of service
 23 computed under section 12732 of this title; and

24 “(2) has a combat-related disability.”.

1 (b) AMENDMENTS TO STANDARDIZE SIMILAR PROVI-
2 SIONS.—

3 (1) CLERICAL AMENDMENT.—The heading for
4 paragraph (3) of section 1413a(b) of such title is
5 amended by striking “RULES” and inserting
6 “RULE”.

7 (2) QUALIFIED RETIREES.—Subsection (a) of
8 section 1414 of such title, as amended by section
9 2(a), is amended—

10 (A) by striking “a member or” and all that
11 follows through “retiree’)” and inserting “a
12 qualified retiree”; and

13 (B) by adding at the end the following new
14 paragraph:

15 “(2) QUALIFIED RETIREES.—For purposes
16 of this section, a qualified retiree, with respect
17 to any month, is a member or former member
18 of the uniformed services who—

19 “(A) is entitled to retired pay, other
20 than in the case of a member retired under
21 chapter 61 of this title with less than 20
22 years of service creditable under section
23 1405 of this title and less than 20 years of
24 service computed under section 12732 of
25 this title; and

1 “(B) is also entitled for that month to
2 veterans’ disability compensation.”.

3 (3) DISABILITY RETIREES.—Subsection (b) of
4 section 1414 of such title is amended—

5 (A) by striking “SPECIAL RULES” in the
6 subsection heading and all that follows through
7 “is subject to” and inserting “SPECIAL RULE
8 FOR CHAPTER 61 DISABILITY RETIREES.—In
9 the case of a qualified retiree who is retired
10 under chapter 61 of this title, the retired pay
11 of the member is subject to”; and

12 (B) by striking paragraph (2).

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect on January 1, 2008, and shall
15 apply to payments for months beginning on or after that
16 date.

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